

APPEAL NO. 021643
FILED AUGUST 15, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 29, 2002, with the record closing on May 30, 2002. The hearing officer resolved the disputed issues by determining that the appellant (claimant) injured her right shoulder in the course and scope of her employment; that the date of injury was no later than _____; that the claimant did not timely notify the employer of the injury and, consequently, the injury is not compensable and there was no resulting disability; and that the respondent (carrier) filed its second Payment of Compensation or Notice of Refused or Disputed Claim (TWCC-21) based on newly discovered evidence that could not reasonably have been discovered at an earlier date. On appeal, the claimant expresses disagreement with these determinations. The carrier urges affirmance.

DECISION

We affirm the hearing officer's decision.

The hearing officer's Decision and Order contains a comprehensive summary of the evidence. The hearing officer did not err in his resolution of the disputed issues in this case. These issues involved questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986). The hearing officer was well within his province in determining that the claimed right shoulder injury occurred no later than _____ and that the claimant's notice thereof to the employer on October 31, 2001, was untimely.

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **EMPLOYERS PACIFIC INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**ROBIN M. MOUNTAIN
6600 CAMPUS CIRCLE DRIVE EAST, SUITE 300
IRVING, TEXAS 75063.**

Philip F. O'Neill
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Elaine M. Chaney
Appeals Judge